

Meeting Minutes  
 Central WUCC Meeting #6  
 MDC Training Center – 125 Maxim Road, Hartford, CT  
 November 16, 2016 1:30 p.m.

The Central Water Utility Coordinating Committee (WUCC) met on November 16, 2016 at 1:30 p.m. at the MDC Training Center at 125 Maxim Road, Hartford, Connecticut. Notice of the meeting was sent to WUCC members and posted on the DPH website <http://www.ct.gov/dph>.

The following WUCC member representatives were in attendance (listed in alphabetic order of affiliation):

WUCC Member Representative	Affiliation
Dan Lawrence	Aquarion Water Company
Kevin Schwabe	Avon Water Company
Robert Wesneski	Avon Water Company
Jack Healy	Berlin Water
Raymond Jarema	Berlin Water
Mary Ellen Kowalewski	Capitol Region Council of Governments
Eric Trott	Town of Coventry
David Radka	Connecticut Water Company
William Jarzavec	Cromwell Fire District
Bill Milardo	Town of Durham
Jim Ventres	Town of East Haddam
Tim Smith	East Hampton WPCA
Brendan Avery	Hazardville Water Company
Jonathan Avery	Hazardville Water Company
Peter Hughes	Town of Marlborough
Dennis Waz	Meriden Public Utilities
David Banker	Metropolitan District Commission
Bartley Halloran	Metropolitan District Commission
John Mirtle	Metropolitan District Commission
Bob Young	Town of Middletown
Raymond Esponda	Town of New Britain
Rose Gavrilovic	Regional Water Authority
Tiffany Lufkin	Regional Water Authority
Eugene Koss	Tolland Water Company
Jason Coite	UConn
Stanley Nolan	UConn
Gene Roberts	UConn
Neil Amwake	Wallingford Water Division
Richard Meskill	Wallingford Water Division

The following non-WUCC member representatives were in attendance (listed in alphabetic order of affiliation):

<b>Non-WUCC Member Representative</b>	<b>Affiliation</b>
Melissa Czarnowski	CT Department of Energy and Environmental Protection
Corinne Fitting	CT Department of Energy and Environmental Protection
Betsey Wingfield	CT Department of Energy and Environmental Protection
Ted Dunn	CT Department of Public Health
Rich Iozzo	CT Department of Public Health
Lori Mathieu	CT Department of Public Health
Eileen Fielding	Farmington River Watershed Association
David Murphy	Milone & MacBroom, Inc.
Guy Russo	Prime AE
Peter Galant	Tighe and Bond

A copy of the meeting agenda is attached. The following actions took place:

**1. Welcome & Roll Call**

The meeting was called to order at 1:30 PM by Co-chairs David Radka and Bart Halloran. A roll call was conducted in which everyone stated their name and affiliation.

**2. Taking Stock**

David Murphy of Milone & MacBroom, Inc. (MMI) presented a slide of what the Central WUCC has accomplished already, where it is currently, and what the goals are going forward. This slide is available, along with the entire presentation, on the DPH website <http://www.ct.gov/dph>. The final Water Supply Assessment is set to be completed in December. Mr. Murphy stated the goals of the current meeting were providing a status update for the Water Supply Assessment and conducting additional business toward bringing the ESA procedure to the next step.

**3. Approval of October Meeting Minutes**

The minutes from the October meeting were unanimously approved. Bart Halloran of the MDC abstained from the voting, as he was absent during the October meeting.

**4. Review of Formal Correspondence**

The formal correspondences were separated into two groups due to the volume of correspondence.

One category was correspondence that was not a comment on the Preliminary Water Supply Assessment and the other category was comments on the Preliminary Water Supply Assessment.

The following correspondences that were not comments on the Preliminary Water Supply Plan were logged following the October meeting of the Central WUCC:

- November 16, 2016 – A Letter from CT DPH informing of an upcoming webinar on the ESA process.
- Various comments received after the close of the public comment – These include additional letters from residents of the State about the need for regional water supply planning, conservation, drought response, etc.

There was a list of formal correspondence that related to comments about the Preliminary Water Supply Assessment. These comments will be available for viewing on the DPH website <http://www.ct.gov/dph>.

Discussion:

- Mr. Murphy went through each of the comments made about the water supply assessment during the public comment period. He stated the goal is to adopt the WSA on December 12, so that it is available to send to DPH on December 15 for final approval.

Mary Ellen Kowalewski of CRCOG provided one verbal comment on the Water Supply Assessment. She recommended cross-checking the table of contents against the table numbers.

**5. Affirmations**

Mr. Murphy presented the current affirmations of previously decided ESAs. There were only three remaining affirmations needed.

Mr. Murphy stated the Western WUCC accepted verbal affirmations at the meeting, and the same could be done at this meeting. Ray Esponda of the City of New Britain confirmed their affirmation of the ESA. William Jarzavec of Cromwell Fire District also affirmed their ESA verbally.

**6. ESA Declaration Forms**

- Mr. Murphy presented that there are a small set of unassigned areas in Berlin, Southington, and Farmington, as well as eight municipalities that are open for declarations because they have not been subject to the WUCC process. Towns or companies that want to claim these areas should be able to answer specific questions linked to these areas. He also explained that it is possible to leave areas unassigned. For example, the unassigned areas in Berlin and Southington are steep slopes such as the traprock ridges and other ridges, and it may not be necessary for these areas to be within ESAs.
- Mr. Radka stated that Connecticut Water Company has relinquished a portion of its ESA in East Hampton, as noted in the affirmation letter from CWC.

Mr. Murphy presented the edits to the ESA Declaration forms. This form is available to be viewed on the DPH website <http://www.ct.gov/dph>. He stated the main set of changes made to the form involved changing “if you will serve” to “if you anticipate serving” because there is

never a certainty that claiming an ESA will lead to water service in a declared area. Another set of changes is the addition of clarifications about what to do and who to contact if information is not known. A final key change is the addition of a question for municipalities that may claim ESAs and do not plan to extend water service.

Discussion:

- Tiffany Lufkin of the Regional Water Authority offered the comment that in Section D for questions one and two there is no expansion beyond a yes or no question. Other parts of the form require further explanations, so this should be true of questions one and two as well.
  - Mr. Radka replied that these changes will be made to the forms.
- Eugene Koss of Tolland Water Company commented there are some very rural areas that do not make sense to extend water service into. These areas may be white areas (on the map of ESAs) where there may never be development.
  - Mr. Radka replied that for some locations, such as a protected state forest, there may be unassigned areas. These locations would only be in areas where there is never going to be a water in the future. He reminded attendees that assignment of an ESA does not guarantee that water service will be extended.
- Jonathan Avery of Hazardville Water Company asked if a development comes in to an unassigned area, what would they do to develop that area?
  - Mr. Radka replied that they would need the approval of the WUCC to form a new water system in connection with the Certificate of Public Convenience and Necessity.
- Mary Ellen Kowalewski explained that one of the planners in her region contacted her to ask if municipalities need to declare ESAs for their own municipally-owned systems. There were concerns that the WUCCs will supersede zoning in a town.
  - Mr. Radka replied that the webinar on ESAs is intended to address municipal questions and concerns, but in general, local land use planning – and not the WUCC – will dictate development.
  - Mr. Murphy clarified that municipalities would not need to declare ESAs for their municipal systems unless they planned to expand these systems.
- Mr. Koss presented for consideration an example if there is a vacant lot next to a school and a developer wanted to come in to build a neighborhood on that lot, they might have a problem with the developer wanting to hook up to the school's water system.
- Mr. Avery stated the fact that you have an ESA holder does not affect whether development can occur. He asked the WUCC if it is preferred that all areas be covered by ESAs. Mr. Murphy and Mr. Radka responded that ESAs should be declared for areas only where it makes sense.
- Dan Lawrence noted that there were advantages associated with ESAs.

- There was a motion and a second to adopt the ESA declaration document as amended. The motion was passed unanimously.

## 7. ESA Procedure

- Mr. Murphy continued this presentation with the ESA procedures. Section I and II are about the process going forward. Section III is for the spring and it includes a form that allows the WUCC to rate each criteria of an ESA claimer.
- The WUCC can change the forms if they deem it necessary. Section IV is how to modify boundaries. Section V will be reporting and filing with DPH. The Central WUCC will discuss this process further at the December meeting.
- There was considerable discussion about the draft schedules for the ESA process. The proposed submittal due date for initial ESA claims is 10 AM on 12/12/16.

### Discussion:

- Rose Gavrilovic explained that RWA likely won't declare additional ESAs, but if they did, the schedule and the 12/12/16 due date would be challenging.
- Mr. Avery asked what if a company or town cannot submit the form in its entirety on time?
  - Mr. Radka replied that if parties cannot submit the entire form, they should submit what forms they can by 12/12/16 to indicate the central WUCC where there might be conflicting claims.
- Dan Lawrence of Aquarion Water Company asked if there would be a grace period for declarants that could not complete forms, and if a deadline is needed to indicate a conflict?
  - Mr. Radka replied the Central WUCC wanted to know conflicts by 12/12/16. He explained that in Plainfield, CWC and Jewett City Water Company both claimed the town, and now the two companies planned to meet and discuss the details. Keeping the due date in December would allow water utilities to know if there were potential conflicts.
- Mr. Lawrence stated that if people want to claim an area, they need to get themselves started soon.
  - Mr. Halloran stated that on the 12<sup>th</sup> we will notify people of areas where there are preliminary conflicts.
  - Mr. Radka explained that the goal was to work within the framework provided by the schedule and then use the remaining time as needed to work through declarations.
- Rich Iozzo of the Department of Public Health stated that the webinar on the 29<sup>th</sup> has the purpose of explaining the ESA process. DPH would like those not already directly involved in

the process (municipal staff and officials) to attend this webinar, so that they can understand the process.

- Lori Mathieu of the Department of Public Health stated the health department will look closely at why someone wants to claim a town and that person needs to justify why they should claim an area. She explained that some areas can remain unclaimed, and she expects that water utilities and municipalities are talking about the ESA process. Marlborough will be a good example of what a town can do if it is worried about protecting the interests with a school next to a large open lot.
- Mr. Radka stated the ESA process documents and conflict resolution forms are not meant to be a part of the record and are more of a guideline.
- Bob Young of the City of Middletown commented that it seems like a difficult task to have the forms due the same day they will be evaluated.
  - Mr. Murphy reassured that this will not be a problem.

## **8. Public Comment**

- Betsy Wingfield of the Department of Energy and Environmental Protection commented that if we put out a request of this significant information, it is a difficult timeframe to achieve.
  - Mr. Radka requested that the schedule be added to the webinar. He also mentioned that in the Eastern WUCC it was acceptable to make a general comment of a municipality instead of filling out the entire form.
  - Mr. Halloran stated that it appeared there is more time in the schedule to move the deadline. He recommended keeping the schedule as it was presented, and using the built-in flexibility as needed.
  - Jim Ventrees suggested that some declarants could file the map and basin information by 12/12/16 and additional information by January 2017.
  - Mr. Radka confirmed that the Central WUCC would not exclude anyone because they did not get the forms in by 12/12/16.
- Rose Gavrilovic of the Regional Water Authority presented a problem to the WUCC. The situation they are facing is a developer is putting in a system that they believe could be a problem down the road, even though it meets design criteria and the Certificate of Public Convenience and Necessity regulations. There are multiple low yield wells with multiple treatment systems. Regional estimated an initial cost to operate this system and it will be very costly to continue operating going forward. She noted that RWA is not opposed to the system, but does not have experience with new small systems.
  - Mr. Radka replied that ultimately in the certificate process, you might end up subsidizing this satellite system down the road. Most of these systems are built with small bedrock wells that tend to decline overtime. CWC requires certain criteria of their own above the DPH standards to prevent systems that are not

properly constructed. He also noted that the WUCCs can recommend new design criteria for their regions and for DPH consideration.

- Mr. Lawrence commented that it is wise to see what investment you are looking at down the road.
  
- Eileen Fielding of the Farmington River Watershed Association commented that from the public's perspective, if you see a water company has claimed an ESA over an area that is never supposed to be developed, it may not look very good. She recommended avoiding declaring ESAs in permanently protected open space.
  
- Mr. Koss commented that some water systems were allowed to be built that should not have been built. If there is an ESA declaration that is considered rural right now, then a company could petition the town for zoning changes and create a problem down the road.

## **9. Other Business**

- There was not further business. The next meeting will be on December 12, 2016. David Radka adjourned the meeting at 3:13 PM.

Respectfully Submitted,  
Brendan Avery, Recording Secretary – Central WUCC